

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**RAY HENRY,
Plaintiff,**

v.

**CAPITAL ONE BANK (USA), N.A., et al.,
Defendants.**

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Civil Action No. 3:17-CV-2962-M

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Renée Harris Toliver made Findings, Conclusions and a Recommendation in this case. No objections were filed. The Court reviewed the proposed Findings, Conclusions and Recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Defendants Moss Law Firm, P.C. and Michael A. Moss's Joint 12(b)(6) Motion to Dismiss Plaintiff's Statement of Amended Claim, Doc. 24, and Defendant Capital One Bank (USA) N.A.'s Motion to Dismiss Plaintiff's Amended Complaint, Doc. 26, are GRANTED.

Plaintiff's FDCPA claim and all defamation claims against Defendants Moss Law Firm, P.C. and Michael A. Moss, as well as defamation claims against Defendant Capital One premised on actions during the State Court Lawsuit are DISMISSED WITH PREJUDICE. Plaintiff's FCRA claim against both Defendants and defamation claim against Capital One premised on the provision of information to the CRAs are DISMISSED WITHOUT PREJUDICE to Plaintiff filing a motion for leave to amend, accompanied by a proposed amended complaint that cures the deficiencies noted in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, by September 27, 2018. If Plaintiff fails to do so, said claims will be dismissed with prejudice.

SO ORDERED this 11th day of September, 2018.



BARBARA M. G. LYNN
CHIEF JUDGE